# MINUTES PAGE COUNTY PLANNING COMMISSION April 22, 2021

# DUE TO THE COVID-19 PANDEMIC, IN PERSON ATTENDANCE IS LIMITED TO 10 PEOPLE. THIS MEETING WAS ACCESSIBLE VIA YOUTUBE.

#### **Members Present**

Catherine Grech, District 1
Jared Burner, Chairman, District 3 (in late)
James Holsinger, District 4

Steve Atkins, District 2 Keith Weakley, Vice Chairman, District 3 Gary Huffman, District 4

## Members Absent

Donnie Middleton, District 2

William Turner, Secretary, District 5

#### Staff Present

Tracy Clatterbuck

Kelly Butler

## Call to Order

Vice Chairman Weakley called the April 22, 2021 Page County Planning Commission Special Meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Vice Chairman Weakley reminded all commissioners and speakers to turn on and/or speak into the microphone so that all may hear.

# Adoption of Agenda

Vice Chairman asked if there were any changes or amendments to the agenda. Mrs. Grech made a motion to accept the agenda as presented. The motion was seconded by Mr. Huffman. The motion passed unanimously 6-0.

#### **Unfinished Business**

- A. Review and discussion of the draft Zoning Ordinance prepared by the Berkley Group Floodplain administrator, Kelly Butler, gave her overview of the proposed ordinance prepared by the Berkley Group.
  - Any changes to the floodplain ordinance must be approved by DCR/FEMA before adoption or risk losing NFIP eligibility per 44 CFR 59.24(a).
  - Berkley Group, as well as Tracy and I, encourage that you consider the floodplain ordinance to become
    a stand-alone ordinance. Floodplain development does not always coincide with zoning. The
    regulations that govern floodplain development are independent and can sometimes have conflicting
    definitions than that of the zoning ordinance.
  - The proposed ordinance that was prepared by the Berkley Group is from a model ordinance that was released in 2017. There is a newer model ordinance that was released by FEMA in August 2019. This model ordinance is coordinated with written as a companion to the flood provisions of the 2015 and later editions of the USBC. The 2015 USBC was adopted in 2018.
  - Our existing ordinance and the proposed ordinance give a very limited description of the Flood Districts
    and their uses. The newest model ordinance gives a better detailed description of the flood districts
    using current terminology. FEMA suggests that communities with Flood Insurance Rate Maps (FIRMs)
    that show only Flood Zones that start with "A" should check with NFIP state coordinators or FEMA
    Regional offices for assistance to remove the coastal provisions.
  - The newest model ordinance provides an expanded section on duties and powers of the Floodplain Administrator. It also includes new sections on permits, site plans and construction documents,

inspections, violations, site improvement, recreational vehicles, tanks, manufactured homes, other development and building work, temporary structures and storage, and utility and miscellaneous structures. It provides some additional and updated definitions.

- I would also ask you to consider incorporating a recent policy released by FEMA regarding agricultural structures and accessory structures. As well as a section regarding small projects that have low-to-no impact on the floodplain.
- Please keep in mind that we must meet minimum floodplain management regulations meeting the minimum requirements set forth by 44 CFR §§ 60.3, 60.4, and/or 60.5 to continue our community's eligibility for the sale of flood insurance. If we do not, we risk probation and suspension from the program. I assure you, other than our 1-foot freeboard requirement, the building official and myself enforce the minimum requirements.
- I am willing to take the newest model code and, with the help of the Berkley Group, create a red-line version and a proposed version of this ordinance.
- After the ordinance gets to a point where you are satisfied, I will send it to DCR/FEMA for their review. If they require any changes, I can bring that back to the planning commission. Otherwise, I will send to the Board of Supervisors for review and hopefully approval.

Vice Chairman Weakley clarified that Ms. Butler would be proposing the state minimum requirements apart from the one-foot freeboard requirement. Ms. Butler agreed. Commissioners agreed that emphasizing that we are doing the minimum required by state code will be important when taking this to public hearing. Ms. Butler recommends that the commission not look at the floodplain ordinance that was proposed by the Berkley Group. Mr. Weakley agreed that the commission would wait on a new proposed ordinance from Ms. Butler.

The commission reviewed the section on Nonconforming Lots, Uses, Structures, and Buildings. Ms. Clatterbuck stated what is proposed is completely different than what is currently in our ordinance. The community relies on this nonconforming section a lot. Currently, for nonconforming structures, you can rebuild within 24 months of demolition of the structure and maintain the nonconforming status. Ms. Clatterbuck stated it is imperative that the commission pay close attention to the language used in this section. She further stated that taking away a nonconforming status from property owners would be a burden to our citizens. Mr. Burner stated what is proposed is verbatim from state code. He stated that if we change language, we need to be careful to not go against state code. Mr. Holsinger suggested that the Berkley Group will continue to offer what they have because it is state code. He stated that the commission needs to think independently in their recommendation. Mrs. Grech stated that we only have a small margin in which we can think independently because a large part of what is proposed is state code.

The commission moved onto the definitions section. Ms. Clatterbuck stated that the commissioners should compare the definitions section to the previous material that was provided by the Berkley Group. Chairman Burner stated he feels that intensive ag and anything to do with that should be taken out. He also stated that the special use permit requirement for animal feeding operations needs to be removed as that is not allowed by state code. Mr. Weakley stated, as consultants, the Berkley Group gives recommendations. The county can choose to accept the recommendations of the Berkley Group or not accept it.

Chairman Burner stated that Darla Orr with the Berkley Group is supposed to review overlay districts. He discussed what overlay districts are and how they are useful. Mrs. Grech stated it is imperative that the Board of Supervisors know how impactful this ordinance amendment is so that the commission can take the appropriate amount of time reviewing it. Chairman Burner reminded the commission that the subdivision portion would be coming back to the commission. Be ready with your comments and suggestions.

#### Adjourn

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Chairman Burner adjourned the meeting at 8:20 p.m.

Jared Burner, Chairman

Keith Weakley, Vice Chairman